ENVIRONMENTAL PROTECTION AGENCY

CFR Part 799

[OPTS-42144; FRL 3847-4]

RIN 2070-AC31

Reopening of Comment Period For Proposed Test Rules;Office of Drinking Water Chemicals; Cyclohexane; 1,6-Hexamethylene Diisocyanate; and N-methylpyrrolidone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule: Reopening of comment period.

SUMMARY: EPA is reopening the comment period for the proposed test rules on the Office of Drinking Water Chemicals (OPTS-42111), (May 24, 1990, 55 FR 21393), cyclohexane (OPTS-42094), (May 20, 1987, 52 FR 19096), 1,6-hexamethylene diisocyanate (OPTS-42107), (May 17, 1989, 54 FR 21240), and *N*-methylpyrrolidone (OPTS-42114), (March 28, 1990, 55 FR 11398), for 60 days to permit further comment on the findings made for these chemicals under TSCA section 4(a)(1)(B)(i), in light of the proposed policy articulated elsewhere in today's **Federal Register** for making legal findings under TSCA section 4(a)(1)(B)(i).

DATES: Submit written comments on or before September 13, 1991.

ADDRESSES: Written comments, in triplicate, identified by the docket number (OPTS-42144), should be submitted to: TSCA Public Docket Office (TS-793), Office of Toxic Substances, Environmental Protection Agency, rm. NE-G004, 401 M St., SW., Washington, DC 20460. A public version of the rulemaking records supporting this action is available for inspection at the above address from 8 a.m. to 12 noon, and 1 p.m. to 4 p.m., Monday through Friday, except legal holidays.

Information submitted in any comment on this rulemaking may be claimed "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be disclosed publicly by EPA by placing it in the public record without prior notice to the submitter.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director Environmental Assistance Division (TS-[illegible], Office of Toxic Substances, rm. E-[illegible]B, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: Elsewhere in today's **Federal Register**, EPA is proposing criteria for making "substantial" production, "substantial" and "significant" exposure, and "substantial" release findings as set forth in test rules developed under TSCA section 4(a)(1)(B)(i). EPA is reopening the comment periods on four proposed test rules to allow comment solely on the findings made for these chemicals under TSCA section 4(a)(1)(B)(i). EPA recognizes that if the comments received in response to this notice on the notice proposed elsewhere in today's **Federal Register** for making findings under TSCA section 4(a)(1)(B)(i) change the general criteria in a way that would affect whether EPA could legally make a finding for any of these chemicals it will have to either repropose the specific rule or issue a decision not to test.

The following chemicals are affected by this reopening of the comment period:

Chemical	CAS No.	Docket No.
Chloroethane	75-00-3	42144/42111A
1,1 dichloroethane	75-34-3	42144/42111A
1,1,2,2-tetrachloroethane	79-34-5	42144/42111A
n-propylbenzene	103-65-1	42144/42111A
1,3,5-trimethylbenzene	108-67-8	42144/42111A
cyclohexane	110-82-7	42144/42094D
1,6-hexamethylene diisocyanate	822-06-0	42144/42107B
N-methylpyrrolidone	872-50-4	42144/42114A

I. Proposed Rules Pending Under TSCA Section 4(a)(1)(B)

A. Office Of Drinking Water Chemicals

Testing has been proposed for five chemicals: Chloroethane (CAS No. 75-00-3); 1,1-dichloroethane (CAS No. 75-34-3); 1,1,2,2-tetrachloroethane (CAS No. 79-34-5); *n*-propylbenzene (CAS No. 103-65-1); and 1,3,5-trimethylbenzene (CAS No. 108-67-8) under section 4(a)(1)(B) of TSCA (May 24, 1990, 55 FR 21393). Based on the available data on these five chemicals discussed in Unit II. of the preamble to the proposed rule, EPA finds that each of these five chemicals is produced in substantial quantities and that there is or may be substantial human exposure to these chemicals.

EPA finds that each of these five chemicals are produced in substantial quantities. All of the chemicals subject to this proposed test rule are listed on the TSCA Section 8(b) Inventory. Manufacturers have submitted information on recent production volumes of these chemicals but have claimed this information as CBI. EPA has reviewed these data and has found that current reported production volume of each chemical exceeds 1 million pounds. For the reasons discussed elsewhere in today's **Federal Register**, proposing the minimum criteria for testing under TSCA section 4(a)(1)(B), 1 million pounds of production constitutes substantial production under TSCA section 4(a)(1)(B).

EPA finds that there may be substantial human exposure to the chemicals. The five chemicals have been identified and quantified in soil, ground water and/or surface water samples from numerous locations throughout the United States. The five chemicals have been reported to be present in or near disposal sites: chloroethane in 17 states; *n*-propylbenzene in 10 states; 1,1-dichloroethane in 24 states; 1,1,2,2-tetrachloroethane in 25 states; and 1,3,5-trimethylbenzene in 7 states. These data may also indicate a larger problem since they represent only a portion of the hazardous waste sites in the Uunited States; not all hazardous waste sites have been sampled. Information on the presence of these five chemicals in drinking water has recently been made available in EPA's Hazardous Substance Data Base (HSDB). A summary of these data was developed for EPA by the Syracuse Research Corporation, Syracuse, New York in "Response to Public Comments Drinking Water Chemicals" (September 30, 1990). This summary showed that all five chemicals have been found in drinking water in the United States. This includes community drinking water systems of America's large cities (e.g., Miami, Philadelphia, Cincinnati, Seattle, New Orleans, and Washington, DC), private drinking water wells, and finished drinking water from ground water. In the studies which cited concentrations of these chemicals in drinking water, most concentration levels fell within the range of 0.1 to 4.0 parts per billion (ppb). Because of the widespread presence of each chemical in drinking water, soil, groundwater, and surface water in many states, it is reasonable to believe that more than 100,000 people may be exposed to these chemicals. For the reasons discussed in today's **Federal Register**, proposing the minimum criteria for testing under TSCA section(4)(a)(1)(B), potential exposure to 100,000 people constitutes potential substantial human exposure under TSCA section 4(a)(1)(B).

Therefore, for the reasons set forth elsewhere in today's **Federal Register**, proposing the minimum criteria for testing under TSCA section 4(a)(1)(B), and because each of these chemicals exceeds these thresholds, EPA finds that there is substantial production of each of these chemicals and that there is or may be substantial human exposure to each of these chemicals based on their disposal.

T3

B. Cyclohexane

Testing is being proposed for cyclohexane (CAS No. 110–82–7) under section 4(a)(1)(B) of TSCA (May 20, 1987, 52 FR 19096). Based on the available data on cyclohexane discussed in Unit III. of the preamble to the proposed rule, EPA finds that cyclohexane is produced in substantial quantities, that there is or may be substantial human exposure to cyclohexane, and that there is or may be substantial release of cyclohexane to the environment based on its manufacture, processing, and use.

EPA finds that cyclohexane is produced in substantial quantities. Approximately 1.8 billion pounds of cyclohexane was produced in 1985. For the reasons discussed elsewhere in today's **Federal Register**, proposing the minimum criteria for testing under TSCA section 4(a)(1)(B), 1 million pounds of production constitutes substantial production under TSCA section 4(a)(1)(B).

EPA finds that there may be substantial human exposure to cyclohexane. According to the National Occupational Exposure Survey from 1981 to 1983, 42,558 workers were potentially exposed to the compound in the workplace. For the reasons discussed elsewhere in today's **Federal Register** proposal, potential exposure to 1,000 workers constitutes potential substantial exposure under TSCA section 4(a)(1)(B).

EPA finds that cyclohexane may be released to the environment in substantial quantities. Based on information submitted to EPA under the Toxic Release Inventory, EPA estimated that 11 million pounds of cyclohexane is released to the environment annually. For the reasons discussed elsewhere in today's **Federal Register** proposal, 1 million pounds of release to the environment constitutes potential substantial release under TSCA section 4(a)(1)(B).

Therefore, for the reasons set forth elsewhere in today's **Federal Register**, proposing the minimum criteria for testing under TSCA section 4(a)(1)(B), and because cyclohexane exceeds these thresholds, EPA finds that there is substantial production of cyclohexane, that there is or may be release of cyclohexane to the environment in substantial quantities, and that there is or may be substantial human exposure to cyclohexane based on its manufacture, processing, and use.

C. 1,6-Hexamethylene Diisocyanate

Testing has been proposed for 1,6-hexamethylene diisocynate (HDI) (CAS No. 822–06–0) under section 4(a)(1)(B) of TSCA (May 17, 1989, 54 FR 21240). Based on the available data on HDI discussed in Unit III. of the preamble of the proposed rule, EPA finds that HDI is produced in substantial quantities and that there is or may be substantial human exposure to HDI from its manufacture, processing, and use.

EPA finds that HDI is produced in substantial quantities. The public portion of the TSCA Section 8(b) Inventory data base lists U.S. production of HDI as 1 to 10 million pounds in 1977. Mobay Chemical Company reported 1981 production at between 9 and 11 million pounds, and has estimated its 1987 production in the area of 11 million pounds. The actual production and import volumes for 1987 have been claimed as CBI. For the reasons discussed elsewhere in today's **Federal Register** proposal, 1 million pounds of production constitutes substantial production under TSCA section 4(a)(1)(B).

EPA finds that there may be substantial human exposure to HDI. EPA believes that as many as 153,000 workers are potentially exposed to HDI in the workplace. For the reasons discussed elsewhere in today's **Federal Register** proposal, exposure to more than the 1,000 workers constitutes substantial human exposure under TSCA section 4(a)(1)(B).

Therefore, for the reasons set forth elsewhere in today's **Federal Register**, proposing the minimum criteria for testing under TSCA section 4(a)(1)(B), and because HDI exceeds these thresholds, EPA finds that there is substantial production of HDI and that there is or may be substantial human exposure to HDI based on its manufacture, processing, and use.

D. N-Methylpyrrolidone

Testing has been proposed for *N*-methylpyrrolidone (NMP) (CAS No. 872–50–4) under section 4(a)(1)(B) of TSCA (March 28, 1990, 55 FR 11398). Based on the available data on NMP discussed in Unit III. of the preamble to the proposed rule, EPA finds that NMP is produced in substantial quantities and that there is or may be substantial human exposure from its manufacture, processing, and use.

EPA finds that NMP is produced in substantial quantities. Total imports and domestic annual production of NMP are in excess of 55 million pounds per year. For the reasons discussed elsewhere in today's **Federal Register** proposal, 1 million pounds of production constitutes substantial production under TSCA section 4(a)(1)(B).

EPA finds that there may be substantial human exposure to NMP. EPA believes an estimated 2.7 million consumers may be exposed to NMP. An estimated 71,000 workers may be routinely exposed to NMP during manufacture and processing. For the reasons discussed elsewhere in today's **Federal Register** proposal, exposure to 1,000 workers and/or 10,000 consumers constitutes substantial human exposure under TSCA section 4(a)(1)(B).

Therefore, for the reasons set forth elsewhere in today's **Federal Register**, proposing the minimum criteria for testing under TSCA section 4(a)(1)(B), and because NMP exceeds these thresholds, EPA finds that there is substantial production of NMP and that there is or may be substantial human exposure based on its manufacture, processing, and use. Elsewhere in today's **Federal Register**, EPA has solicited comments on whether its criteria for interpreting its authority under TSCA section 4(a)(1)(B)(i) should be adopted. Thus, people who have interest in these four rules should comment on those criteria.

II. Records

A. Supporting Documentation

EPA has established records for this rulemaking under section 4, docket number OPTS–42144, which are available for inspection Monday through Friday, excluding legal holidays, in rm. NE–G004, 401 M St., SW., Washington, DC., 20460. These records include basic information considered by the Agency and appropriate **Federal Register** notices.

B. Records for Underlying Rulemakings

(1) USEPA. Office of Drinking Water Chemicals; Proposed Test Rule (OPTS–42111; FRL 3712–5). Office of Pesticides and Toxic Substances, USEPA (May 24, 1990).

(2) USEPA. Cyclohexane; Proposed Test Rule (OPTS–42094; FRL 3202–7). Office of Pesticides and Toxic Substances, USEPA (May 20, 1987).

(3) USEPA. 1,6-Hexamethylene Diisocyanate; Proposed Test Rule (OPTS–42107; FRL 3572–5). Office of Pesticides and Toxic Substances, USEPA (May 17, 1989).

(4) USEPA. *N*-Methylpyrrolidone; Proposed Test Rule (OPTS–42114; FRL 3712–9). Office of Pesticides and Toxic Substances, USEPA (March 28, 1990).

III. Other Regulatory Requirements

EPA discussed Executive Order 12291, the Regulatory Flexibility Act, and the Paperwork Reduction Act in detail in each of the proposals; and no changes are indicated for this notice.

List of Subjects in 40 CFR Part 799

Chemicals, Chemical export, Environmental protection, Hazardous substances, Reporting and recordkeeping requirements, Testing.

Dated: July 5, 1991.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 91–16748 Filed 7–12–91; 8:45 am]

BILLING CODE 6560–50–F

T4